REMARKS

Applicants have carefully reviewed this Application in light of the Final Office Action mailed March 29, 2005. Claims 1, 3-6, 9-47, 49-52 and 55-101 are pending in this Application. Claims 1, 47 and 93 stand rejected under 35 U.S.C. §102(e) and Claims 1, 3-6, 9-47, 49-52 and 55-101 stand rejected under 35 U.S.C. § 103. Applicants have amended Claims 1, 3, 4, 33, 47, 49, 50, 79 and 93 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claims 3, 4, 49 and 50 were objected to because they depend on claims that were previously cancelled. Applicants have amended Claims 3, 4, 49 and 50 to overcome these objections.

Rejections under 35 U.S.C. § 102

Claims 1, 47 and 93 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,564,261 issued to Gudjon M. Gudjonsson ("*Gudjonsson*").

Gudjonsson discloses a system and method of establishing communication sessions between users as a function of their availability and/or communication devices. Users registered with a cluster containing user servers (US) 19 establish a communication session by using devices (see Table 5, Col. 33). The communication session may be established when a first user sends an invitation message to a second user regarding establishment of the communication session. (Col. 24, Lines 32-42). A user server 19 associated with the first user determines how to route the invitation message to the second user. (Col. 24, Lines 47-55). The invitation is received by a user server 19 associated with the second user and the second user's user server 19 forwards the invitation message to, for example, the second user's mobile phone, inbox or computer if the user is online. (Col. 24, Lines 56-65). The invitation message then may be accepted or declined by the second user.

Claim 1 recites a method comprising "facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user."

Claim 47 recites a data processor program product operable to "facilitate a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user."

Claim 93 recites a communication apparatus capable of "facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user."

Applicant respectfully submits that the cited reference fails to disclose each and every element of Applicants' invention. *Gudjonsson* fails to teach a method comprising "facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user," as recited by amended Claim 1. *Gudjonsson* also fails to disclose or suggest a computer program product capable of enabling at least one data processor to "facilitate a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user," as recited by amended Claim 47. *Gudjonsson* additionally fails to teach a communication apparatus capable of "facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user," as recited by amended Claim 93.

In the Final Office Action, the Examiner states that *Gudjonsson* teaches

> a method, program product, and apparatus capable of: facilitating a mediated communication session between a first communication device associated with a first user and a *second communication device (19)* associated with a second user, wherein facilitating the mediated communication session includes receiving from the first communication device request for implementing an interactive communication session with the second user, (col. 24, lines 32-41);

(Final Office Action, Page 4) (emphasis added). *Gudjonsson*, however, does not disclose facilitating a mediated communication session with a second communication device directly interfaced by a second user. *Gudjonsson* defines a user server as "refer[ring] to the server software and/or the machine running it." (Col. 7, Lines 14-15). During a communication session, user server 19 performs the following roles: "Maintains the user state for a given set of user(s). Keeps track of contact lists and blinded lists for these users(s). Keeps track of routing for these user(s). Forwards user status changes to interested CSs and ICSs. Routes

pages for these user(s) via RS." (Table 1, Col. 15). A device, however, is defined by *Gudjonsson* as "an entity which can function as one or more conversation endpoints or as a message repository for one or more message types or as both." (Col. 7, Lines 21-23). Thus, the user server 19 performs, among other functions, routing a invitation message between users at devices during a communication session but cannot be "directly interfaced by a second user" during a mediated communication session, as recited by amended Claims 1, 47 and 93. The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1, 47 and 93.

Rejections under 35 U.S.C. §103

Claims 1, 3-6, 9-32, 47, 49-52, 55-78 and 93-101 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,430,602 issued to Timothy Kay et al. ("*Kay*"), in view of *Gudjonsson*.

Claims 33-46 and 79-92 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kay* in view of U.S. Patent Application Publication No. 2002/0007397 by Jan Michael Ouzounidis et al. ("*Ouzounidis*").

Independent Claims 1, 47 and 93 are Allowable over *Kay in view of Gudjonsson.*

Kay discloses a method and system for interactively responding to requests sent from a user as instant messages. The system includes a message processor 12 which is connected to a data network 14 through an instant messaging (IM) port 16. (Col. 4, Lines 28-34). When message processor 12 receives an IM request from a user 18, the processor 12 forwards the request to a local or remotely located query response server 22. (Col. 4, Lines 58-61). Query response server 22 includes a natural language interpreter or other smart system capable of responding to queries and other request of an arbitrary nature related to topics within at least a specified range of issues by generating an appropriate answer. (Col. 4, Lines 61-66). The answer generated by query response server 22 is returned to the message processor 12, which incorporates the answer into an output message and sends the output message to the user 18 through the IM network. (Col. 4, Line 66 to Col. 5, Line 2). The output message can be forwarded to the user through any other designated means, including

e-mail, fax, text messaging to wireless or hand-held devices, voice mail (via a text to speech output system), or any other type of messaging system specified by the user. (Col. 5, Lines 3-7).

Applicants respectfully submit that the cited references fail to disclose every element of Applicants' invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Kay* and *Gudjonsson*. As described above, *Gudjonsson* fails to teach ""facilitating a mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user," as recited in amended Claims 1, 47 and 93. Additionally, since there is only one user involved in the process disclosed by *Kay* (i.e., the person making the request for information), *Kay* fails to disclose a communication session between "a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user," as recited in amended Claims 1, 47 and 93. The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claims 1, 47 and 93.

Given that Claims 3-6 and 9-32 depend from Claim 1, Claims 49-55 and 57-78 depend from Claim 47, and Claims 94-101 depend from Claim 93, Applicants respectfully submit that Claims 3-6, 9-32, 49-55, 57-78, and 94-101 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1, 3-6, 9-32, 47, 49-55, 57-78 and 93-101.

Independent Claims 33 and 79 are Allowable over *Kay in view of Ouzounidis.*

Ouzounidis discloses a system for sending messages to a recipient via a number of different types of messaging systems. (Abstract). A first user (originator) wishing to leave a message for a second user (recipient) connects to a voice system 103, which can interpret a voice input from the first user, using a voice based communication device, such as a POTS telephone or mobile telephone. (Page 2, Paragraphs 25 and 28). The voice system 103 guides the first user through a dialog session allowing the first user to leave a message for a second user (recipient) via a number of different types of messaging systems. (Page 2, paragraph 28 and page 3, paragraph 35).

Claim 33 recites a method comprising "facilitating a voice-based mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user."

Claim 79 recites a data processor program product capable of "facilitating a voice-based mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user."

Applicants respectfully submit that the cited references fail to disclose every element of Applicants' invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Kay* and *Ouzounidis*. *Kay* and *Ouzounidis*, alone or in combination, fail to teach at least "facilitating a voice-based mediated communication session between a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user," as recited in amended Claims 33 and 79. As described above, *Kay* discloses that only one user is involved in the process (i.e., the person making the request for information). *Kay*, therefore, fails to disclose a communication session between "a first communication device directly interfaced by a first user and a second communication device directly interfaced by a second user." The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claims 33 and 79.

Given that Claims 34-46 depend from Claim 33, and Claims 80-92 depend from Claim 79, Applicants respectfully submit that Claims 34-46 and 80-92 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 33-46 and 79-92.

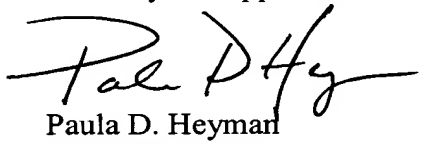
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration and the allowance of Claims 1, 3-6, 9-47, 49-52 and 55-101, as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Paula D. Heyman
Reg. No. 48,363

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2581
512.322.8328 (fax)

Date: May 31, 2005